



A. General Accelerated Instruction Questions

1. What are the Accelerated Instruction requirements in Texas?

Texas law requires all students who do not achieve approaches or higher on STAAR grades 3–8 or EOC assessments be provided accelerated instruction. These requirements - modified by HB 4545 (87R) and recently updated with the passage of HB 1416 (88R) - state that qualifying students must be:

- *Assigned a TIA-designated teacher for the subsequent school year in the applicable subject area;*
 - *OR*
- *Provided supplemental instruction, in addition to instruction typically provided to students in the grade levels in which they are enrolled and including targeted instruction in the Texas Essential Knowledge and Skills (TEKS) for the applicable grade levels and subject areas, ideally aligned with the research on high impact tutoring in the following manner:*
 - *Supplemental instruction totals to not less than 15 or 30 hours, depending on student performance, provided in the summer or at least once per week during the school year;*
 - *In no more than two subjects per year, prioritizing math and reading language arts (RLA);*
 - *In a group of no more than four students, unless the parent or guardian of each student in the group authorizes a larger group;*
 - *Designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area and includes effective instructional materials designed for supplemental instruction;*
 - *Provided by a person with training in the applicable instructional materials for the supplemental instruction and provided by one person, to the extent possible, for the entirety of the accelerated instruction.*

2. What support is available to my district in implementing accelerated instruction requirements?

TEA will provide accelerated instruction guidance, resources, and example tools from LEAs on the [TEA Accelerated Instruction webpage](#). LEA personnel may reach out to accelerated.instruction@tea.texas.gov with questions or to provide resources which may be hosted on the TEA accelerated instruction webpage as a resource for other LEAs.

3. What are the conditions under which a parent can modify or opt his/her child out of required accelerated instruction?

A parent may elect to modify or remove a requirement for the instruction under these requirements by submitting a written request to the administrator at the campus in which the student is enrolled. In order to request the change in requirements, the student must have been administered and failed to perform satisfactorily on a STAAR or EOC assessment or was administered a beginning-of-year assessment instrument aligned with the essential knowledge and skills for the applicable subject area. An LEA may select a beginning-of-year assessment designed to show grade level proficiency on the Texas Essential Knowledge and Skills (TEKS) as the selected beginning-of-year assessment. A student who does not have a failed STAAR assessment must be administered a beginning-of-year assessment in order for a parent to be able to opt out of requirements.

4. Are students who did not receive a STAAR score due to a district test administration error required to receive accelerated instruction? If so, can the parent opt the student out of accelerated instruction?

Accelerated instruction is required for this student because HB 1416 did not amend Texas Education Code (TEC), Sec. 28.0211, to eliminate the existing requirement that a student who does not receive a STAAR or EOC score (due to absence, mistake, etc.) must receive accelerated instruction. A parent of a student who did not approach grade level due to a test administration error may opt out of accelerated instruction requirements only if the student has been administered a beginning-of-year assessment.

5. Can a local educational agency (LEA) waive accelerated instruction ratio requirements through the use of an approved automated supplemental instruction product? If so, when will the approved products be identified and the waiver be available?

An LEA can waive accelerated instruction ratio requirements by using an approved automated supplemental instruction product. TEA will develop and conduct an approval process for automated supplemental instruction products beginning in the fall of 2023. The approved products will be identified in spring of 2024. The waiving of tutoring ratio requirements by using an approved product will not be an option for the 2023-2024 school year.

6. TEC, §28.0213, requires an intensive program of instruction (IPI) be developed when a student does not perform satisfactorily on STAAR or an EOC or when a LEA determines that a student is not likely to graduate before the fifth year in high school. With the accelerated instruction requirements in §28.0211, modified by HB 1416, what is the expectation for an IPI?

If the reason for the development of an IPI is due to a student failing to achieve approaches or higher on STAAR or an EOC, fulfilling the accelerated instruction requirements under TEC, §28.0211, meets the intent of the IPI; no additional action would be required. If the reason for the development of an IPI is due to an LEA determination that a student is not likely to graduate before the fifth year of high school, the LEA must decide how to address the IPI.

7. TEC, §28.0212, requires a personal graduation plan (PGP) be developed when a junior high or middle school student does not perform satisfactorily on STAAR or an EOC or when an LEA determines that the student is not likely to graduate before the fifth year in high school. With the accelerated instruction requirements in §28.0211, modified by HB 1416, what is the expectation for a PGP?

The agency plans to issue minimum standards for these PGPs to state that fulfillment of the accelerated instruction requirements under TEC, §28.0211, meets the minimum standard of a PGP when the PGP is required because of a student who does not achieve approaches or higher on STAAR or an EOC. Minimum standards for a PGP when it is required based on a determination that a student is not likely to graduate before the fifth year in high school will include the components required by TEC, §28.0212, including determining educational goals for the student, any diagnostic and intervention information, and innovative methods to promote the student's advancement.

As listed in TEC, §28.0212(c), a student's admission, review, and dismissal (ARD) committee, for a student receiving special education services, may determine that the student's individualized education program (IEP) be used for purposes of the PGP. Therefore, no additional actions would be required by an ARD committee if it makes the determination that the IEP will serve as the PGP for the student.

8. What data will TEA collect to monitor effectiveness of accelerated instruction?

TEA will define reporting requirements for the monitoring of accelerated instruction during the 2023-2024 school year but expects to collect data elements such as frequency, time of day, and/or tutoring method through the PEIMS Summer Submission in the 2024-2025 school year.

9. What information will need to be provided to identify students who transfer who are also required to receive accelerated instruction and their progress towards these requirements?

TEA will define reporting requirements through the TREx system during the 2023-2024 school year but expects to add data elements to the TREx system that would allow LEAs to send information on whether a student

received supplemental instruction, the number of hours assigned, the number of hours provided, whether a parent opted out of requirements, and related subjects.

10. What local documentation is required to prove implementation?

Local documentation is not required by statute but is a best practice for managing accelerated instruction. Examples of documentation that would serve as evidence include student schedules that include dates and duration of the tutoring session, tutor assignment, tutor-to-student ratio, targeted subject area, and minutes completed. Other documentation that may be needed include any parent/guardian waivers that indicate a group greater than 4:1 was approved.

11. Can a student be removed from a core instruction or elective class to meet accelerated instruction requirements?

No, students cannot be removed from recess or from the foundation curriculum or enrichment curriculum as defined in TEC, §28.002; this includes electives which are normally provided to students in the grade level in which the student is enrolled.

12. Are LEAs required to provide transportation to students if accelerated instruction is scheduled outside of regular school hours?

LEAs requiring students to attend supplemental instruction outside of regular school hours must provide transportation unless the LEA does not operate or contract with a transportation system.

13. Do the accelerated instruction requirements apply to students who enroll from out-of-state, from a private school, or from a home school?

No, accelerated instruction requirements only apply to students enrolled in a Texas public school district or open-enrollment charter school the previous year.

B. House Bill (HB) 1416 Overview and Implementation

1. How did House Bill 1416 change Accelerated Instruction requirements?

HB 1416 amends current law relating to accelerated instruction provided to public school students who do not achieve approaches or higher on certain assessment instruments. These changes include:

- *Removing the requirement for an Accelerated Learning Committees while requiring an Accelerated Education Plan after a student fails to achieve approaches or higher on two consecutive STAAR or EOC assessments in the same subject area*
- *Limiting tutoring to 2 subjects and no longer including optional assessments*
- *Increasing the student-to-tutor ratio from 3:1 to 4:1 for tutoring group size*
- *Clarifying that students who take STAAR-Alt 2, are retained, or take substitute high school assessments are not subject to accelerated instruction requirements*
- *Reducing minimum hour requirement from 30 to 15 for some students*
- *Adding local educational agencies (LEAs) receiving compensatory education funding as a criteria for included LEAs (previously LEAs receiving funding from Strong Foundations Grant Program, CRRSAA or ARP)*
- *Providing student-to-teacher ratio waivers for use of approved online curriculum (approvals available spring 2024)*
- *Clarifying that parents may modify or remove supplemental instruction requirements with a letter to a campus administrator*
- *Clarifying that parents must be notified of student failure to perform on applicable assessments*
- *Requiring TEA to monitor implementation of accelerated instruction*

2. When does HB 1416 take effect?

HB 1416 is effective on June 9, 2023, the date of governor signature. The changes in law made to TEC, Sec. 28.2011, apply beginning with assessment instruments administered during the 2023 spring semester.

3. Which subjects and grade levels are applicable to accelerated instruction requirements?

The subjects and grade levels applicable to students receiving accelerated instruction for failing to achieve approaches or higher are 3-8 STAAR (math, reading, science, social studies) and STAAR EOC (Algebra I, Biology, English I, English II, US history). Optional assessment administrations no longer require additional hours under HB 1416.

4. What steps should local educational agencies (LEAs) take now that HB 1416 is in effect?

LEAs should begin working with internal staff to develop necessary steps that will help transition from HB 4545 to HB 1416, including the identification of applicable students, making schedule changes, ensure availability of sufficient internal or external personnel to support tutoring, deciding on high-quality supplemental instructional materials to be used. LEAs may also check for TEA updates and resources that will provide additional guidance.

5. Is there funding available to support implementation of accelerated instruction requirements?

Local educational agencies may use any available funds to support accelerated instruction, including existing state and federal funding such as State Compensatory Education funds, Title I funds, and other grant program funds.

6. Are local educational agencies (LEAs) required to provide supplemental instruction under this law each week of the school year?

LEAs are currently exempt from meeting the requirement of supplemental instruction being provided at least once per week (unless fully completed during the summer) if a school week is three or less instructional days, as provided under 19 TAC 104.1001(c)(2). The agency does not anticipate that this exemption will be removed from rule.

C. STAAR Reporting and Accelerated Instruction

1. What are the STAAR score release timelines for 2023?

Districts will receive final EOC results on 05/31/23 and a preliminary version of 3–8 results on 05/22/23. Scale scores and performance levels will be available on the final assessment reports on 08/11/23. Additional information regarding the reporting timelines for spring 2023 STAAR is available at the following link: [Reporting Timelines for Spring 2023 STAAR](#).

2. Are students in the “zone of uncertainty” of passing the 2023 STAAR required to receive accelerated instruction as required by HB 1416?

The “zone of uncertainty” included within [STAAR Early Results Guidance Tables](#) released in May 2023 is meant solely as a resource for Local Education Agency (LEA) decision-making and presents no legal or official requirements to LEAs. As such, students falling within the “zone of uncertainty” of passing the STAAR are not required to receive accelerated instruction as required by HB 1416; however, districts may use the STAAR Early Results Guidance Tables to inform planning for fulfilling requirements such as HB 1416 or graduation.

Final student-level results for the spring 2023 STAAR will be communicated in early August 2023 and all students not passing will be required to receive accelerated instruction requirements. Additional information regarding the reporting timelines for spring 2023 STAAR is available at the following link: [Reporting Timelines for Spring 2023 STAAR](#).

3. Can local educational agencies (LEAs) receive credit for delivering accelerated instruction hours before STAAR or EOC results are received?

An LEA may provide accelerated instruction before the student's assessment result is available, for example, in a summer learning setting. Such accelerated instruction hours will count toward the accelerated instruction requirement (i.e., they will be "banked") if the student's subsequently released assessment result shows that the student failed to achieve approaches or higher on the assessment.

4. How do local educational agencies identify which students need accelerated instruction?

Students who fail to achieve approaches or higher on STAAR grades 3–8 or EOC assessments are required to receive accelerated instruction during the subsequent summer or school year.

5. What is considered performing satisfactorily (passing) on STAAR/STAAR EOC?

Students who perform satisfactorily on STAAR/STAAR EOC achieve Approaches Grade Level, Meets Grade Level, or Masters Grade Level. Students who do not perform satisfactorily on STAAR achieve Does Not Meet Grade Level or did not test.

6. Which students are required to receive 30 hours of supplemental instruction vs 15 hours of supplemental instruction under these requirements?

As required by House Bill 1416, TEA will define these requirements through the standard rulemaking process. TEA intends to propose rules that will provide that students who fall into the "Low Does Not Meet" category of STAAR performance receive no less than 30 hours of supplemental instruction. The rules will also provide that third-grade students who do not approach grade level or higher will be required to receive 30 hours of supplemental instruction.

Districts can view which students fall into this category on the district student-level assessment data files. For 2023, these data files are available by 8/11/2023. Beyond 2023, these data files will be available on a standard reporting timeline.

Additionally, students who do not approach grade level or higher for two years in a row must be provided with an Accelerated Education Plan and at least 30 hours of supplemental instruction as required by HB 1416.

7. If a student does not achieve approaches grade level on the Spring 2023 and Spring 2022 STAAR in the same subject, does an Accelerated Education Plan need to be developed? Or, does the passage of HB 1416 provide a reset to this timeline (i.e. would the Spring 2023 result be considered year one)?

Spring 2023 will not provide a reset to this timeline. An accelerated education plan should be developed for the student in this scenario and all corresponding statutory requirements for this plan should be followed by the local educational agency.

8. What is considered a "substitute assessment instrument" for purposes of determining if a student requires the provision of accelerated instruction under this law?

Substitute assessments in this context pertains to approved assessments that can substitute for the requirement to take, and demonstrate satisfactory performance, on an end-of-course assessment to be eligible to graduate from a Texas high school. The SAT and ACT are examples of approved substitute assessments and the full list is located in the [TEA Substitute Assessment Standards](#).

9. What is the calculation to determine the waiver provided for a local educational agency (LEA) in which at least 60% of students move from did not approach grade level in a preceding year to approaches grade level or higher in the next year? How do I find this information?

An LEA must move at least 60% of students from does not meet to approaches grade level across all subjects and tests to qualify for this waiver. The calculation is based on all assessments with eligible Accelerated Learning data for the School Progress Domain in the A–F Accountability system, as defined in Chapter 3 of the [Preliminary 2023 Accountability Manual](#).

LEAs may use their 2022 “What If” reports to identify the percentage of students moving from did not approach to approaches or above on the 2023 STAAR. Beyond the 22-23 school year, LEAs may view this information directly on their Texas Performance Reporting System (TPRS) reports. Each year, TEA will publish a list of LEAs qualifying for this waiver on the accelerated instruction webpage.

D. Accelerated Education Plans

1. When is a local educational agency (LEA) required to develop an accelerated education plan?
An LEA shall develop an accelerated education plan when a student fails to achieve approaches or higher on a STAAR/STAAR EOC administration for two or more consecutive school years in the same subject area.
2. What must be included in an accelerated education plan to meet the legal minimum?
The accelerated education plan must 1) identify the reason the student did not perform satisfactorily on the applicable assessment; and 2) require that the student be provided with no less than 30 hours of supplemental instruction for each consecutive school year in which the student does not perform satisfactorily on the assessment in the applicable subject.

E. Students with Disabilities

1. Is an Admission, Review, and Dismissal (ARD) committee meeting still required for students receiving special education services to determine the way the student will participate in accelerated and supplemental instruction?
No. An ARD committee may be convened if the committee feels that a student’s individualized education program (IEP) may need to be modified based on the accelerated and supplemental instruction requirements, but it is not required. If an ARD committee is not convened, the Local Education Agency will use the same processes and procedures for a student with an IEP as it does with all other students. The ARD committee must then review the student’s participation and progress at the student’s next annual review meeting.
2. Are students who take STAAR-Alt 2 subject to these requirements?
No. HB 1416 does not require students who were administered the STAAR-Alt 2 to adhere to the requirements of Section 28.0211.
3. Does HB 1416 address students served under Section 504?
HB 1416 does not explicitly address Section 504; therefore, students who have a Section 504 accommodation plan should follow the same HB 4545/HB 1416 requirements as all other students, subject to any applicable provisions of their Section 504 accommodation plans.

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Questions? Visit the [TEA Accelerated Instruction webpage](#) or reach out to accelerated.instruction@tea.texas.gov